

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.66576 of 2018

Arising Out of PS.Case No. -116 Year- 2018 Thana -JAMOBAZAR District- SIWAN

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1. Tarkeshwar Yadav, S/o Ram Naresh Yadav.
 2. Dharmendra Yadav, S/o Kishori Yadav.
 3. Mankeshwar Yadav.
 4. Bhagrasan Yadav.
 5. Nagina Yadav. 3 to 5 are S/o late Sant Yadav.
 6. Sunil Yadav, S/o Bhagrasan Yadav. All R/o Vill- Gehua, P.S. Jamo Bajar, District- Siwan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ajay Kumar Pandey, Advocate.

For the Opposite Party : Mr. Sir Pramod Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-11-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 147, 341, 323, 324, 307,
379, 504, 506, 383 and 385 of the IPC.

The prosecution story, in brief, is that the informant
was constructing his house, in the meantime, F.I.R. named
accused persons came and started demanding Rs. 1,00,000/- as
Rangdari otherwise, they will stop construction work of the house.
On protest, *Mar-pit* took place. It is further alleged that petitioner



no. 2 Dharmendra Yadav assaulted on his head with *Dabia*, co-accused Kishori Yadav assaulted with *Lathi*. Co-accused Sanjay Yadav assaulted Manoj Yadav who intervened in *Mar-pit* was armed with *Dab* and demanded *Rangdari* and also took away Mobile of Manoj Yadav and a golden chain worth Rs. 30,000/-. Petitioner no. 1 Tarkeshwar Yadav assaulted with *Farsa* on his head. Co-accused Ram Naresh Yadav assaulted with *Lathi* and Ravikant Yadav also assaulted Manoj Yadav. Co-accused Santu Yadav and petitioner no. 6 Sunil Yadav assaulted on his neck causing injury. Petitioner no. 3 Mankeshwar Yadav and co-accused Narayan Yadav assaulted Shambhu Yadav with *rod* on his head and took *Mangalsutra* and *ear-ring* of Kamlawati Devi. Petitioner no. 5 Nagina Yadav and petitioner no. 4 Bhagrasan Yadav assaulted on the head of Bhola Yadav with *Iron rod*. Co-Jitendra Yadav assaulted Kamlawati Devi by *Bhala* on her head and co-accused Ranjan Prasad assaulted her with *Lathi*. Accused persons also took Rs. 15,000/- from the informant.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case



between the parties. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Siwan, in connection with Jamo Bajar P.S. Case No. 116 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

